

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES,

v.

**Case No. 05-CV-974
(04-CR-78)**

RODRIGO PUENTES, JR.,

Movant.

DECISION AND ORDER

On September 12, 2005, Rodrigo Puentes, Jr. (“Puentes”) filed his *pro se* motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255.¹ On January 31, 2006, the Court received a letter from Puentes, in which he requested an opportunity to amend his § 2255 motion so as to add an additional ground for relief. The Court will afford Puentes an opportunity to do. Puentes must file his amended § 2255 motion by March 13, 2006.

¹ Puentes accompanied his motion with a petition to proceed *in forma pauperis* (“IFP”). His petition is incomplete, as he does not indicate the salary he earns in his current employment, nor does he provide a ledger sheet from his institution of incarceration showing his transactions over the past six months. However, one who files a § 2255 motion need not pay a filing fee. Thus, his motion for IFP is denied as moot.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT:**

Puentes' Motion to Proceed *In Forma Pauperis* (Docket # 2) is **DENIED** as moot.

Puentes' Motion to Amend his § 2255 Motion (Docket # 3) is **GRANTED**. Puentes
is directed to file his amended motion no later than **March 13, 2006**.

Dated at Milwaukee, Wisconsin this 10th day of February, 2006.

BY THE COURT

s/ Rudolph T. Randa

**Hon. Rudolph T. Randa
Chief Judge**